

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

KENNETH J. GRAYSON,

Plaintiff,

VS.

CIVIL ACTION NO. 1:23-cv-114-TFM-MU

FOREMOST INSURANCE COMPANY

GRAND RAPIDS, MICHIGAN,

Defendant.

## ORDER

Pending before the Court is the *Joint Stipulation of Dismissal* (Doc. 53, filed 5/20/24) in which the parties jointly agree to dismiss all claims without prejudice. The Rules of Civil Procedure permit a plaintiff to voluntarily dismiss the action without an order of the court “by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment” or “a stipulation signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(A). Fed. R. Civ. P. 41(c) applies the same standards of Rule 41(a) to the dismissal of counterclaims, cross claims, and third-party claims.

Here, the joint stipulation is signed by both sides. Consequently, by operation of Fed. R. Civ. P. 41(a)(1)(A)(ii), this action has been dismissed in accordance with the joint notice. Therefore, this case is dismissed without prejudice with each party to bear their own attorneys' fees and costs.

The Clerk of the Court is **DIRECTED** to close this case.

**DONE** and **ORDERED** this 20th day of May 2024.

/s/ Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE